

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK )  
 )  
COUNTY OF ERIE )

Marcy A. Kliszak, being duly sworn, deposes and says: I am not a party to this action, I am over eighteen (18) years of age and reside in Erie County, New York. On June 2, 2008 I served the within Amended Notice of Motion upon the following:

Hon. Charles L. Brieant  
United States District Judge  
United States Courthouse  
300 Quarropas Street, Room 275  
White Plains, NY 10601

Mitchell J. Baker, Esq.  
Baker, Leshko, Saline & Blosser, LLP  
One North Lexington Avenue  
White Plains, NY 10601-1712

By depositing a true copy of same enclosed in a post-paid properly addressed wrapper, in a post official depository under the exclusive care and custody of the United States Postal Service with the State of New York and by facsimile. On June 2, 2008, I filed the Amended Notice of Motion electronically with the Clerk of the Court for the United States District Court for the Southern District

Marcy A. Kliszak  
Marcy A. Kliszak

Sworn to before me this  
2<sup>nd</sup> day of June, 2008, J

## Notary Public

Notary Public  
Stephen A. Manuele  
Reg. No. 02MA6075903  
Valid From 6/10/2002 To 6/10/2012  
County Of Erie